

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

APRIL 1998 SESSION

**FILED**

April 23, 1998

Cecil Crowson, Jr.  
Appellate Court Clerk

C.C.A. NO. 02C01-9710-CR-00382

STATE OF TENNESSEE, )  
 )  
 Appellee, )  
 )  
 VS. )  
 )  
 AARON L. DRUMMER, )  
 )  
 Appellant. )

SHELBY COUNTY

NO. 96-13311 Below

RULE 20 ORDER

ORDER

The defendant, Aaron L. Drummer, pled guilty to possession with intent to sell or deliver ten (10) pounds of marijuana, a Class E felony. He agreed to a sentence of one (1) year and a \$3,000 fine, the manner of sentence to be determined by the trial court. At the conclusion of the sentencing hearing, the trial court denied alternative sentencing. The defendant was immediately incarcerated.

On appeal the defendant contends the trial court erred in denying alternative sentencing. However, it appears to this Court that the defendant has been released from incarceration. The issue, therefore, is moot. See State v. Samuel D. Perry, C.C.A. No. 02C01-9611-CR-00435, Shelby County (Tenn. Crim. App. filed January 29, 1998, at Jackson); State v. Terry Moore, C.C.A. No. 02C01-9509-CC-00257, Madison County (Tenn. Crim. App. filed August 2, 1996, at Jackson).

It is, therefore, ORDERED that the judgment of the trial court is affirmed in accordance with Rule 20 of the Tennessee Court of Criminal Appeals. Costs are taxed to the State of Tennessee, as it appears the defendant is indigent.

---

**JOE G. RILEY, JUDGE**

**CONCUR:**

---

**DAVID G. HAYES, JUDGE**

---

**WILLIAM M. BARKER, JUDGE**